

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GRANT DALE HURLBERT,
Plaintiff,
v.
WILLIAM L. MUNIZ, et al.,
Defendants.

Case No. [15-cv-04357-JSC](#)

**ORDER GRANTING EXTENSION
OF TIME; DENYING MOTION
FOR PRODUCTION OF
DOCUMENTS; DENYING
MOTION FOR LEAVE TO
AMEND**

Re: Dkt. Nos. 27, 28, 31

Plaintiff, a state prisoner at Corcoran State Prison, filed this pro se civil rights action under 42 U.S.C. § 1983. He has filed an amended complaint against officials at Salinas Valley State Prison, where he was formerly housed. The amended complaint supersedes the original complaint and is now the operative complaint. Defendants have filed a motion for summary judgment, and Plaintiff has filed an opposition. Defendants' reply brief remains due.

Plaintiff has also filed a motion for leave to amend the complaint further to add state law claims against a new Defendant --- James Beard, the Secretary of the Department of Corrections and Rehabilitation. This motion is DENIED without prejudice to re-filing after the pending motion for summary judgment is resolved. If summary judgment is denied and there remain federal claims against the current Defendants, then the Court may exercise supplemental jurisdiction over Plaintiff's state law claims 28 U.S.C. § 1367(a). If the summary judgment motion is granted and no more federal claims remain, the Court will not exercise supplemental jurisdiction over Plaintiff's state law claims and he may bring them in state court. *See* 28 U.S.C. § 1367(c)(3) (district court may decline supplemental jurisdiction over state law claims when all claims over which it has original jurisdiction have been dismissed).

Good cause appearing, Defendants' motion for an extension of time to file a reply brief, to

1 and including August 2, 2016, is GRANTED.

2 Plaintiff has filed a motion requesting that Defendant Muniz produce documents.
3 Discovery requests, including requests for production of documents, must be sent directly to
4 Defendants and not filed as motions with the Court. This motion is DENIED. If a discovery
5 dispute arises and the parties cannot resolve it on their own, they may file a motion to compel
6 discovery as provided in the Federal Rules of Civil Procedure.

7 **IT IS SO ORDERED.**

8 Dated: August 1, 2016

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11 JACQUELINE SCOTT CORLEY
12 United States Magistrate Judge
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United States District Court
Northern District of California

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 1, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Grant Dale Hurlbert ID: Prisoner Id AA2825
Corcoran State Prison
P.O. Box 3466
03B1-220U
Corcoran, CA 93212

Dated: August 1, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY